

REMARKS

Reconsideration of the application in light of the following remarks is respectfully requested.

Status of the Claims

Claims 1-13 are pending in this application before entry of this amendment. Claims 1 and 4-6 have been amended. Claim 2 has been canceled without prejudice to the subject matter therein. No new matter has been added.

Allowable Subject Matter

Applicants acknowledge that the Examiner has indicated that claims 10-13 would be allowable if rewritten in independent format including all of the limitations of the base claim and any intervening claims.

Rejections under 35 U.S.C. § 103

Claims 1, 2 and 6-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0140142 to Marples et al. ("Marples") and U.S. Patent No. 7,522,594 to Piche.

In rejecting claim 2, the Examiner contends that the signaling channel selection unit and the call channel selection unit are disclosed by Marples at Fig. 4 and col. 12, lines 55-67. Applicants respectfully point out that the Examiner must be mistaken, because Marples has no

Fig. 4 and no column 12, even if Marples was to be formatted in column and line number format. Applicants assume that the Examiner intended to refer to Piche for these citations.

Applicants respectfully submit that Piche, as apparently relied upon to reject claim 2, cannot be regarded as a prior art. Piche was filed September 8, 2005 as a continuation-in-part of U.S. Patent Application No. 10/468,439 ("Piche parent"), filed on Aug. 19, 2003. The Examiner has relied upon Piche at Fig. 4 and col. 12, lines 55-67. Comparison of Piche to "Piche parent" reveals that FIG. 4 and col. 12, lines 55-62 are new matter which are not entitled to the priority date of "Piche parent." Piche, at least at FIG. 4 and col. 12, lines 55-62, is entitled only to a priority date of the filing date of Piche (i.e., September 8, 2005).

In contrast, the present application claims priority to PCT/CN04/01557, filed December 29, 2004, which in turn claims priority to Chinese application 200410000042.1, filed January 5, 2004. Therefore, the priority date of the present application is January 5, 2004. Since the priority date of the present application antedates the priority date that Piche FIG. 4 and col. 12, lines 55-62 is entitled to, this portion of Piche is disqualified as prior art to the present application.

Applicants have amended claims 1 and 6 to incorporate the subject matter of claim 2. Claim 2 is cancelled without prejudice to the subject matter therein. Claims 4 and 5 are amended to change the claim dependency accordingly.

Furthermore, the Examiner cites Marples as teaching a network security system arranged between an internal network and an external network. Marples, as noted by the Examiner, fails to recite the use of a trusted node. The Examiner cites Piche as curing this deficiency. However, it is clear that Piche fails to disclose a trusted node as used in the manner disclosed by amended claim 1. Piche merely discloses using a commonly agreed upon server to connect a UDP data stream from one firewall connection to another firewall connection. Piche teaches away from the present invention by highlighting the use of an external server to negotiate a peer to peer connection between two computer intranets protected by firewalls. Additionally,

as taught by Piche, an additional sever is required for this negation to take place. See Piche, col. 10, lines 15-16. It is clear that Piche does not disclose using a trusted node that passes data without the time delay of multiplexing/de-multiplexing, or the added complexity of using a plurality of separate servers to negotiate a peer-to-peer data stream transfer. The signaling channel selection unit, which is used to select signaling transmission channel for transmitting the data so as to implement the convergence of signaling; a call channel selection unit, which is used to select a media-stream receiving port in the trusted node for communicating with the internal network as described in amended claim 1 is not taught, alone or in any combination of prior art cited by the Examiner. As such, the rejection of claim 1 is now moot.

Applicants submit that neither Marples nor the prior art portion of Piche disclose or suggest at least the trusted node, in particular the signaling channel selection unit and the call channel selection unit of the trusted node, as recited in amended claims 1 and 6. Applicants submit that claims 1 and 6 are allowable, and that claims 7 and 8 are allowable by reason of their dependency upon base independent claim 6. Applicants requests reconsideration and withdrawal of the rejection of claims 1, 2 and 6-8 under § 103(a) over Marples and Piche.

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marples and Piche, and further in view of U.S. Patent Publication No. 2009/0019141 to Bush et al. ("Bush"). Claims 5 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marples and Piche, and further in view of U.S. Patent Publication No. 2007/0067487 to Freebairn et al. ("Freebairn").

Claims 3-5 and 9 depend upon one of base independent claims 1 and 6. Applicants respectfully submit that claims 1 and 6 are allowable for the reasons set forth above, and that claims 3-5 and 9 are allowable by reason of their dependency upon an allowable base claim. Applicants respectfully request reconsideration and withdrawal of these rejections over Marples and Piche; and Marples, Piche and Freebairn.

CONCLUSION

Each and every point raised in the Office Action mailed December 16, 2009 has been addressed on the basis of the above remarks. In view of the foregoing it is believed that claims 1 and 3-13 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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